

# COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.: 01III1

PATENT

As a below-named inventor, I HEREBY DECLARE THAT:

This Declaration is for the following type application: ☒ **ORIGINAL**; ☐ DESIGN; ☐ CONTINUATION;

☐ DIVISIONAL; ☐ CIP; ☐ National Stage of PCT; ☐ SUPPLEMENTAL.

(see attached two pages if SUPPLEMENTAL is indicated)

My residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled : **Medical Implant Having Bioabsorbable Textured Surface**, the specification of which (check one) : ☒ **is attached hereto**; \_\_\_ was filed on \_\_\_ as Application Serial No. \_\_\_ and was amended on (or amended through \_\_\_ , if applicable); \_\_\_ was described and claimed in PCT International Application No. \_\_\_ filed on \_\_\_ and as amended under PCT Article 19 on \_\_\_ ( if any ).

I hereby state that I have reviewed and understand the contents of the specification, claims, and any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56 (a).

☐ In compliance with this duty there is attached an Information Disclosure Statement 37CFR1.97 (37CFR156 (a)).

☒ I hereby claim Foreign priority benefits under Title 35, united States Code § 119 of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) designating at least one country other than the United States of America or filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

☒ **No such applications have been filed;**

☐ such applications have been filed as follows

(see attached page)

Prior Foreign Application(s)

Priority Claimed

Under 35 USC 119

Country:	Number:	Year Filed:	Yes	No
Country:	Number:	Year Filed:	Yes	No
Country:	Number:	Year Filed:	Yes	No

## POWER OF ATTORNEY

I hereby appoint Michael G. Petit, Registration No. 30, 795, as my attorney with full powers of substitution and revocation, to prosecute his application and transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to:

Phone: (805) 563-6556

Fax: (805) 563-6615

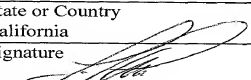
Michael G. Petit

P. O. Box 91929

Santa Barbara, CA 93190-1929

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor Jim J. McGhan	Citizenship U.S.
Residence Address - Street 1865 Meiners Road	Post Office Address - Street 1865 Meiners Road
City (Zip) Ojai (93023)	City (Zip) Ojai (93023)
State or Country California	State or Country California
Date 8/14/01	Signature 

Applicant or Patentee: Jim J. McGhan Attorneys Docket No.: 01III  
Serial or Patent No.: Not Available  
Filed or Issued: Concurrently Herewith  
For: Medical Implant Having Bioabsorbable Textured Surface.

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(F) AND 1.27(B) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled: Medical Implant Having Bioabsorbable Textured Surface., described in

- ☒ the specification filed herewith.  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ persons, concerns or organizations listed below\*

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37CFR1.27)

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NON PROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NON PROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (36 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**Jim J. McGhan**  
NAME OF INVENTOR \_\_\_\_\_

  
SIGNATURE OF INVENTOR \_\_\_\_\_

8/14/01  
DATE \_\_\_\_\_